

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

CLIFFORD F. TUTTLE, JR., AS §
REPRESENTATIVE OF THE ESTATE §
OF DENNIS W. TUTTLE, DECEASED, §
ROBERT TUTTLE, AND RYAN TUTTLE §

Plaintiffs, §

v. §

CITY OF HOUSTON, GERALD GOINES, §
in his individual capacity; STEVEN §
BRYANT, in his individual capacity; §
FELIPE GALLEGOS, in his individual §
capacity; ERIC SEPOLIO, in his individual §
capacity; MANUEL SALAZAR, in his §
individual capacity; THOMAS WOOD, §
in his individual capacity; OSCAR PARDO, §
in his individual capacity; FRANK §
MEDINA, in his individual capacity; §
CLEMENTE REYNA, in his individual §
capacity; CEDELL LOVINGS, in his §
individual capacity; NADEEM ASHRAF, §
in his individual capacity, MARSHA TODD, §
in her individual capacity, and ROBERT §
GONZALES, in his individual capacity, §

Defendants. §

Civil Action No.: 4:21-cv-00270

CONSOLIDATED WITH

JOHN NICHOLAS, AS TEMPORARY §
ADMINISTRATOR OF THE ESTATE OF §
RHOGENA NICHOLAS AND JO ANN §
NICHOLAS, INDIVIDUALLY AND AS AN §
HEIR OF THE ESTATE OF RHOGENA §
NICHOLAS, §

Plaintiffs, §

v. §

CITY OF HOUSTON; ART ACEVEDO, in §

his official capacity as the chief of police of §
the Houston Police Department, GERALD §
GOINES, in his individual capacity; STEVEN §
BRYANT, in his individual capacity; FELIPE §
GALLEGOS, in his individual capacity; §
ERIC SEPOLIO, in his individual capacity; §
MANUAL SALAZAR, in his individual §
capacity; THOMAS WOOD, in his individual §
capacity; OSCAR PARDO, in his individual §
capacity; FRANK MEDINA, in his individual §
capacity; CLEMENTE REYNA, in his §
individual capacity; CEDELL LOVINGS, in §
his individual capacity; NADEEM ASHRAF, §
in his individual capacity; MARSHA TODD, §
in her individual capacity; and ROBERT §
GONZALEZ in his individual Capacity, §

Defendants.

**DEFENDANTS ASHRAF, GONZALES, LOVINGS, MEDINA, PARDO, REYNA,
SALAZAR, SEPOLIO, AND WOOD'S DESIGNATION OF EXPERT WITNESSES**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

Defendants NADEEM ASHRAF, ROBERT GONZALES, CEDELL LOVINGS, FRANK MEDINA, OSCAR PARDO, CLEMENTE REYNA, MANUEL SALAZAR, ERIC SEPOLIO, AND THOMAS WOOD, (collectively referred to as "Defendant Officers"), file this Designation of Expert Witnesses pursuant to Rule 26, Federal Rules of Civil Procedure, and the Court's Scheduling Order:

1. Defendant Officers designates the following witness(es) under Rule 26(a)(2)(B), Federal Rules of Civil Procedure, who may testify at trial:

2. None at this time. In the event that new or substantially different allegations are raised, or Plaintiffs move for and are granted leave to designate supplemental experts, and timely provide required disclosures, Defendant Officers reserve the right to supplement their Rule 26(a)(2)(B) expert designations.

3. Defendant Officers may offer expert testimony from the persons employed by the City of Houston identified in the City's disclosures, production, expert reports, or investigation/offense reports. These employees are not specially employed to provide expert testimony in this case and their duties do not regularly involve giving expert testimony. Therefore, no report is required from these employees under the Federal Rules of Civil Procedure. These witnesses may testify about their background, education, training, employment history, job duties and responsibilities in their respective positions with HPD, authority of peace officers to act in various situations, as well as their personal knowledge, if any, of matters relating to Plaintiffs' lawsuit. These witnesses may offer opinions regarding the policies and procedures of HPD, opinions regarding the constitutionally sufficient training, supervision, and discipline of HPD police officers, and that Defendant Officers acted pursuant to same. See COH COH00037473-00039107; COH00005426-00006815; COH00039153-00040222; COH00074954-00076972; COH00035021-00037471, and any supplemental production/disclosures by the City.

4. Defendant Officers reserve the right to elicit opinion testimony from any of the witnesses disclosed and designated as persons with knowledge of relevant facts by Defendant City of Houston in their particular area of expertise. These persons are not retained experts but may testify about issues to be addressed and/or addressed in their testimony. These witnesses possess knowledge of the events at issue in this case and expertise the result of their work experience, education and/or training. These witnesses are not being paid as experts and as such, are treated as ordinary witnesses for purposes of discovery. These witnesses may testify about their background, education, training, employment history, job duties and responsibilities in their respective positions with HPD, authority of peace officers to act in various situations, as well as their personal knowledge of the events the subject of this the Plaintiffs' lawsuit, and as custodians

of the offense reports they prepared during the ordinary course of business pursuant to HPD policy and procedure. These witnesses may offer opinions regarding the policies and procedures of HPD at the time in question; and may offer opinions regarding the constitutionally sufficient training, supervision, and discipline of HPD police officers, and that Defendant Officers acted pursuant to same.

5. Defendant Officers cross-designate the expert witnesses designated by Defendant City of Houston.

6. Defendant Officers reserve the right to call any expert witness identified or designated by any other party, subject to any objections that Defendant Officers may make concerning the designation or qualifications of those witnesses.

7. Defendant Officers reserve the right to elicit by way of cross examination, opinion testimony from experts or corporate representatives or other witnesses who may be qualified to render expert testimony designated and/or called by other parties to the suit.

8. Defendant Officers reserves the right to elicit by way of direct/cross examination, opinion testimony from fact witnesses who may be qualified to render expert testimony, but are not retained experts at this time, who have expertise in certain areas regarding the facts of this case.

9. If Plaintiffs are permitted to offer expert or other testimony or evidence not timely and fully disclosed, or related to claims not timely and adequately pleaded, Defendant Officers reserve the right to supplement with responsive expert designations and evidence, including retained expert reports.

10. Defendant Officers reserve the right to supplement and amend this designation and/or discoverable information up to the date of trial, including by de-designating any of the

above disclosed witnesses.

11. Defendant Officers reserve the right to call rebuttal witnesses.

Respectfully submitted,

ARTURO G. MICHEL
City Attorney

CHRISTY MARTIN
Chief, Torts/Civil Rights Section

Date: February 16, 2024. By: /s/ Melissa Azadeh
CHRISTY L. MARTIN
Chief, Torts & Civil Rights Section
Senior Assistant City Attorney
SBN: 24041336
FBN: 754168
Phone: (832) 393-6438 (direct)
Christy.Martin@houstontx.gov

MELISSA AZADEH
Senior Assistant City Attorney
SBN: 24064851
FBN: 1090186
Phone: (832) 393-6270 (direct)
Melissa.Azadeh@houstontx.gov

MICHELLE C. TAYLOR
Senior Assistant City Attorney
SBN: 224060889
FBN: 3773284
Phone: (832) 393-6248
Michelle.Taylor2@houstontx.gov

ALEXANDER GARCIA
Assistant City Attorney
Attorney in Charge
Texas Bar No. 24104429
Phone: (832) 393-6293
Alexander.Garcia@houstontx.gov

City of Houston Legal Department

P.O. Box 368
Houston, Texas 77002
Fax (832) 393-6259

**ATTORNEYS FOR DEFENDANTS CLEMENTE
REYNA, ROBERT GONZALES, NADEEM ASHRAF,
CEDELL LOVINGS, FRANK MEDINA, OSCAR
PARDO, THOMAS WOOD, MANUEL SALAZAR,
AND ERIC SEPOLIO**

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of February 2024, a true and correct copy of the foregoing document, and any attachments, was delivered to all opposing counsel(s) by electronic filing of same in accordance with the District's ECF service rules, and alternatively via facsimile transmission, to:

Michael Patrick Doyle
mdoyle@doylelawfirm.com
Jeffrey I. Avery
jeffavery@doylelawfirm.com
Patrick M. Dennis
Doyle LLP
3401 Allen Parkway, Suite 100
Houston, Texas 77019
service@doylelawfirm.com

Michael T. Gallagher
The Gallagher Law Firm
2905 Sackett St
Houston, TX 77098
mike@gld-law.com

Charles Bourque, Jr.
St. Martin & Bourque
315 Barrow St
Houma, LA 70360
cbourque@stmblaw.com

Dwayne Richard Day
Attorney at Law
3401 Allen Pkwy, Suite 100
Houston, TX 77019
dday@ddaylaw.com

David Allen Nachtigall
Attorney at Law, PLLC
1545 Heights, Ste. 100
Houston, TX 77008
david@dntriallaw.com

Margaret Bryant
Ware, Jackson, Lee, O'Neill, Smith & Barrow,
L.L.P.

2929 Allen Parkway, 39th floor
Houston, TX 77019

Alistair B. Dawson
adawson@beckredde.com
Lena Elizabeth Silva
lsilva@beckredde.com
Garrett Scott Brawley
gbrawley@beckredde.com
Beck Redden LLP
1221 McKinney, Ste 4500
Houston, TX 77010

Harold Al Odom, III
Odom Law Firm
601 Sawyer, Suite 225
Houston, TX 77007
aodom@aodomainlawfirm.com

Russell Hardin, Jr
rhardin@rustyhardin.com
John Garnet MacVane
jmacvane@rustyhardin.com
Marshall Douglas Murphy
dmurphy@rustyhardin.com
Rachel Mae Lewis
rlewis@rustyhardin.com
Rusty Hardin and Associates
1401 McKinney, Ste 2250
Houston, TX 77010
Letitia D. Quinones
Quinones & Associates, PLLC
2202 Ruth Street
Houston, TX 77004
lquinones@rustyhardin.com

/s/ Melissa Azadeh
Melissa Azadeh